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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 LAZARO LAGO-LAMADRID,)
09) CASE NO. C11-1802-RAJ
Petitioner,)
10)
v.)
11) REPORT AND RECOMMENDATION
ERIC H. HOLDER, JR., Attorney General of)
12 the United States,)
Respondent.)
13 _____)

14 On October 27, 2011, petitioner filed a pro se Petition for Writ of Habeas Corpus
15 pursuant to 28 U.S.C. § 2241, challenging the lawfulness of his continued detention by the
16 United States Immigration and Customs Enforcement (“ICE”). (Dkt. No. 1.) The only relief
17 petitioner requested in his habeas petition was an order commanding his release from detention.
18 *Id.* Respondent filed a Return and Motion to Dismiss on December 15, 2011, which was noted
19 for consideration on January 6, 2012. (Dkt. No. 11.) Petitioner filed opposition papers on
20 December 27, 2011 and January 3, 2012. (Dkt. Nos. 15 and 16.) Respondent filed a reply on
21 January 5, 2012. (Dkt. No. 17.) In his reply, respondent requested an additional three weeks
22 to supplement the reply to include the Immigration Judge’s written findings from a January 4,

01 2012 bond hearing. *Id.* On January 9, 2012, however, respondent filed a Motion to
02 Supplement Return and Motion to Dismiss along with documentation which indicates that
03 petitioner was released from detention under an Order of Supervision on January 9, 2012.
04 (Dkt. No. 18, Ex. A.) Respondent asserts that because petitioner has been given the relief
05 sought in his habeas petition – release from detention – this matter has become moot and should
06 be dismissed. *Id.*

07 “Article III of the Constitution limits federal ‘Judicial Power,’ that is, federal-court
08 jurisdiction, to ‘Cases’ and ‘Controversies.’” *U.S. Parole Comm’n v. Geraghty*, 445 U.S. 388,
09 395 (1980). For a federal court to have jurisdiction, “an actual controversy must exist at all
10 stages of the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th
11 Cir. 2002). “When a controversy no longer exists, the case is moot.” *Id.* “For a habeas
12 petition to continue to present a live controversy after the petitioner’s release . . . there must be
13 some remaining collateral consequence that may be redressed by success on the petition.” *See*
14 *Abdala v. Immigration and Naturalization Serv.*, 488 F.3d 1061, 1065 (9th Cir. 2007) (internal
15 quotation marks omitted).

16 As respondent asserts, petitioner’s habeas petition challenged only his continued
17 detention and sought an order directing his release. Because petitioner has been released from
18 immigration detention, which is the only relief he sought, the petition has become moot and
19 should be dismissed. *See Abdala*, 488 F.3d at 1065 (holding that removal mooted habeas
20 challenge to length of detention); *see also Picrin-Peron v. Rison*, 930 F.2d 773, 776 (9th Cir.
21 1991) (finding that because petitioner only requested release from custody and had been
22 released, the court could provide no further relief and the petition was properly dismissed).

01 A proposed Order accompanies this Report and Recommendation.

02 DATED this 11th day of January, 2012.

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05 Mary Alice Theiler
06 United States Magistrate Judge
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